

OFFICE OF THE CITY MANAGER

NO. LTC# 182-2015

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: May 1, 2015

SUBJECT: Police Department Body Camera Pilot Program Launch

This Letter to Commission is prepared to advise the Mayor and Commission that the Police Department will begin the initial phase of body camera deployment on Tuesday, May 5. The deployment will begin with approximately 10 motorcycle officers. By the end of May, approximately 30 officers will be wearing body cameras while on patrol.

This will be a pilot or testing phase that will last at least three months and perhaps longer. The 30 officers will include one daytime patrol team, both Redevelopment Area (RDA) teams that cover the Lincoln Road and City Center area during day and evening hours, the Community Policing/Neighborhood Resource Officers (NROs), as well as our homeless outreach and walking beat/foot patrol officers who cover Washington Avenue, the 41st Street commercial area and boardwalk, and the North Beach commercial district.

During this pilot program and an initial deployment, we hope to learn much from the officers who are participating -- about how best to use this equipment and about citizen interaction with our officers and how the presence of the cameras impacts that dynamic. We will also develop the necessary technical expertise with the cameras, as well as with the accompanying software that transfers data to servers and allows for post-event review and for preparing video for copying and disclosure when required by law.

Attached to this LTC is the Department Policy that will be followed during the deployment. We have taken input from many sources in preparing this policy, including the FOP, the City Manager, the City Attorney's Office, the City Commission, the Police Executive Research Forum (PERF), the Department of Justice and from numerous other police departments in Florida and across the nation that are also experimenting with body cameras. While we have tried our best to develop a sound and reasonable policy, we fully expect that this pilot deployment will lead to new lessons learned and some further policy refinement.

On Tuesday, May 5, the Police Department will host a media day regarding body cameras. It will provide reporters and opportunity to use and handle the equipment and to participate in role playing scenarios that simulate an officer's use of the cameras. A flyer announcing the media day is also attached to this LTC.

ATTACHMENTS

JLM/DJO/tr

MIAMIBEACH POLICE



MIAMI BEACH POLICE DEPARTMENT, Ernesto Rodriguez
Tel: 305.673.7383, E-mail: ernestorodriguez@miamibeachfl.gov

FOR IMMEDIATE RELEASE
April 29, 2015

Miami Beach Police Launch Body Cameras

Media Day scheduled for Tuesday, May 5, 2015 @ 9 am.


MIAMI BEACH – On Tuesday, May 5th, 2015 the Miami Beach Police Department will deploy its first body cameras for officers on patrol, beginning with its 10 Motorcycle Squad officers. Within a few short weeks, a total of 30 officers will begin a three-month pilot program that will test this new technology. The purpose of this pilot program is to lay the ground work for the eventual deployment of body cameras on all patrol officers.

We invite credentialed media members to join us at MBPD Headquarters to get a full overview of the body camera pilot program. We will explain how the cameras operate, as well as the practical and policy issues that come with rollout of this new technology. Reporters will be permitted to operate the cameras. In addition, we will be creating "real-life" scenarios for journalists to actively participate in.

Space is limited. Please RSVP your attendance and advise if your station would like to participate in the outdoor real-life scenarios.



###

	STANDARD OPERATING PROCEDURE	SOP #152
	PORTABLE VIDEO RECORDERS (Pilot Initiative)	
	CALEA Standard(s): 1.2.3a,b,c; 17.5.3; 41.3.8a,b,c,d,e,f,g; 83.2.2; 84.1.1a,c	

PURPOSE: To establish guidelines and procedures for the use, maintenance and management of body-worn portable video recorders (PVR).

SCOPE: This Standard Operating Procedure (SOP) applies to all Department employees. This pilot initiative shall be continuously monitored with a documented annual analysis to identify necessary modifications and/or continuation.

POLICY: It is the policy of the Department to utilize PVR devices to document law enforcement interactions with the public by providing recorded evidence of actions, conditions and statements. Employees have a legal right to capture and record footage during all official interactions. [41.3.8a]

PROCEDURE:

I. Operation and Use

- A. Use of the issued PVR is mandatory for all employees working in a uniformed assignment as follows:
 1. Regular On-duty or Overtime assignments: Reserve Officers, Police Officers, and Sergeants; and
 2. Off-duty Details: All sworn officers up to and including the rank of Major.
- B. PVR User Procedures [41.3.8a,b]
 1. PVR mounting and placement on the officer shall be determined by the Chief of Police with input from the Training Unit and with appropriate consideration given to practical factors such as the PVR configuration and tactical applications.
 2. The PVR shall be activated during all citizen interactions and investigations, whether officers are in contact with a citizen or not, except as set forth herein. Officers shall not activate the PVR:
 - a. While performing administrative functions such as report writing;
 - b. While on breaks;
 - c. When discussing a specific case or exploring investigative strategies or options with other officers. However, the PVR shall not be turned off for this purpose during the initial police response to a call for service, crime scene or other police event; and
 - d. Employees are not expected to record informal interactions or conversations with the public that are routine in police work (e.g. exchanging pleasantries or providing directions, making friendly conversation with local merchants, or attending community meetings).

3. Employees who are in doubt about recording an incident shall activate their PVR and request guidance from their supervisor at the conclusion of the incident.
4. Employees are not legally obligated to advise people that they are being recorded by the PVR. If asked, employees shall acknowledge that their PVR is recording.
5. In all cases where a CAD incident is generated, whether dispatched or self-initiated, employees shall document use of the PVR in all related reports, or in CAD notes if no report is required.
6. An employee who fails to activate their PVR when required shall:
 - a. Notify his/her immediate supervisor as soon as practicable, but no later than the end of their tour of duty or detail; and
 - b. Document the name of the supervisor notified and the reasons for failing to activate the PVR on all reports related to the incident. When no reports are required, a CAD incident shall be generated and documented in CAD notes.
7. The PVR shall only be deactivated upon the conclusion of the citizen interaction, incident or call for service. [41.3.8b]
8. Employees using a PVR during an interview, interrogation, statement, confession, and/or utterance shall: [1.2.3a,b,c] [41.3.8c]
 - a. Document the existence of a recorded statement on all applicable reports; [84.1.1c]
 - b. Properly record Miranda warnings;
 - c. Attempt to secure signed consent and/or waiver forms; and
 - d. Document all consents, waivers and/or refusals on camera and in writing.
9. Employees shall only use their issued PVR or a replacement authorized and configured by the PVR System Administrator.
10. Employees shall notify their supervisor at the conclusion of any encounter that may generate a complaint.
11. Viewing, Data Transfer and Categorizing PVR Recordings
 - a. Recordings may be viewed by:
 - 1) Employees, supervisors and investigators when preparing incident reports to ensure the accuracy and consistency of their documentation;
 - 2) An involved employee prior to making a statement concerning a recorded incident that might be used in an administrative review or court proceeding; and
 - 3) The City Attorney or his/her designee with notice to the Chief of Police.
 - b. Recordings may be accessed:
 - 1) Immediately, via the issued portable media player (PMP); or
 - 2) By accessing the storage server once all the data has been uploaded.
 - c. Employees shall accurately categorize and label PVR recordings at the conclusion of each incident, but no later than the end of their tour of duty or detail. [84.1.1a]
 - 1) Employees shall contact their supervisor if they need assistance with categorization of recordings or retention guidelines.
 - 2) PVR recordings may document the discovery and/or collection of evidence. Employees, investigators or supervisors shall categorize PVR recordings to preserve footage of evidentiary value. [83.2.2]

- 3) Employees shall label each recording with the CAD incident number if one was generated.
- d. PVR devices shall be placed in the secure transfer dock at the conclusion of each employee's on-duty, off-duty or overtime detail. Once docked, the PVR shall not be removed until the upload process has been completed.
- e. Supervisors may review video footage in the following circumstances:
 - 1) Independently or when requested by an employee to document performance, heroic actions and/or other praiseworthy service for appropriate recognition and commendation;
 - 2) To investigate a complaint against an officer or a specific incident in which the officer was involved;
 - 3) When there is a pattern of allegations of abuse, misconduct or the Personnel Early Warning System (PEWS) has triggered;
 - 4) To identify videos for training purposes and instructional use;
 - 5) To monitor the performance of an officer in their chain of command and/or during an officer's probationary status; or
 - 6) When officers agree to a more intensive review as a condition of employment.
- f. Designated supervisors, at the direction of the Chief of Police, may conduct random audits of PVR footage to monitor compliance with the program and assess overall officer performance. Audits shall be truly random and not be used to target a specific officer.

C. Prohibited Actions and Conduct [41.3.8b]

1. Prohibited Recordings

- a. It shall be prohibited to use the PVR to record:
 - 1) Discussion of a case with other officers except as otherwise provided in Section-I.B above;
 - 2) Conversations with fellow agency personnel without their knowledge during routine non-enforcement activities;
 - 3) Confidential informants or undercover officers;
 - 4) Strip searches; or
 - 5) Any footage in places where there is a commonly held expectation of privacy (e.g. locker rooms, dressing rooms and restrooms) unless responding to a call for service.
- b. The prohibitions set forth in this section do not apply in circumstances where the PVR is recording conduct pursuant to a specific law enforcement action approved by the Chief of Police or designee.
2. Releasing, posting or sharing any PVR footage on the Internet and/or social media is prohibited.
3. Making copies of any PVR recording for personal or any other use; or using a secondary recording device (e.g. cameras, cell phones and tablets) to record images or sound captured by the PVR is prohibited.
4. Tampering with the PVR or employing any device which interferes with its operation is prohibited.
5. Erasing, altering, modifying or tampering with any recording captured by a PVR is prohibited.

6. Allowing citizens to review any recordings is prohibited, except when appropriate in response to a public records request or court order.
 7. Using personal or privately-owned PVRs while working in an on-duty or off-duty capacity is prohibited.
- D. The Chief of Police may authorize the release of specific PVR footage when he or she deems it to be in the best interest of the Department.
- E. Employees shall notify their immediate supervisor and provide details of any restricted and/or prohibited footage captured by their PVR.
- F. Supervisory Responsibilities
1. Supervisors shall ensure that employees comply with all PVR-related training.
 2. Supervisors shall document circumstances in which an employee failed to activate the PVR, improperly deactivated the PVR or captured restricted/prohibited footage. Supervisors shall submit a memorandum to their Division Commander detailing the findings.
 - a. The Division Commander shall direct further action if he/she determines that an employee's acts were intentional or avoidable.
 - b. If the Division Commander determines that a restricted/prohibited recording was inadvertent or unavoidable, the details of the incident shall be provided to the Chief of Police, who shall provide further direction to the PVR System Administrator.
 3. In cases where the immediate retrieval of PVR footage is required, supervisors shall collect the PVR from the employee and follow data transfer procedures. Upon completion of the data transfer, the PVR shall be returned to the employee and involved personnel shall be notified when the footage is available for review.
 4. With the exception of officer involved shootings or other incidents that result in serious bodily harm or death, supervisors shall review PVR footage in all cases where there was a use of force, pursuit, injury to officer, injury to prisoner, citizen complaint or any other circumstance where the recording may clarify events.
 - a. If an Officer is involved in a shooting or other incident that results in serious bodily harm or death to anyone, an on-scene supervisor shall immediately take custody of the involved officer's PVR for evidence preservation purposes. The on-scene supervisor shall transfer the PVR to the lead detective. Each transfer of custody shall be documented pursuant to **SOP #006 – Evidence**.
 - 1) The PVR System Administrator shall download the PVR data in the presence of the lead detective. The download shall be performed in a secure location accessible only to the PVR System Administrator.
 - b. Supervisors shall document their reviews in a report appropriate to the incident (e.g. Case Supplement, Supervisor's Report of Control of Persons or Pursuit After-Action Report). [41.3.8g]
 - c. Supervisors shall notify their Chain of Command of instances where a controversial citizen-police encounter has occurred. The employee's Captain shall review the encounter and set the appropriate category for retention in conjunction with the City Attorney or his/her designee.
 5. Supervisors have an obligation to confer with officers at the end of each tour of duty or detail to provide guidance and ensure that PVR recordings are categorized and preserved consistent with this policy.

G. PVR System Administrator shall be responsible for: [41.3.8b,c,e]

1. Setting and maintaining user and group authority levels, passwords, and any other required configuration of the evidence storage system under direction of the Chief of Police or designee;
2. Managing inventory, issuing devices, and updating device settings;
3. Assisting with manual downloads to the storage server, when necessary;
4. Handling recordings of restricted/prohibited footage pursuant to direction from the Chief of Police. A log shall be maintained of all deleted, copied and/or edited recordings, which shall be kept in perpetuity;
5. Managing the list of categories and notifying supervisors when users fail to categorize their PVR recordings or otherwise fail to properly use, store or maintain their issued PVR;
6. Providing support to Department employees in all aspects of the PVR and evidence storage system;
7. Maintenance of an audit system that monitors and logs access to recorded data;
8. Maintenance of a system for the management of data retention and data purging; and
9. Conducting forensic reviews when directed by the Chief of Police or designee to determine whether PVR equipment and/or recorded data have been tampered with.
10. Continuously monitoring this pilot initiative with a documented annual analysis to identify necessary modifications and/or continuation. The documented annual analysis shall be completed by February 2nd and forwarded to the Chief of Police via the Chain of Command.

II. Maintenance [17.5.3] [41.3.8e]

A. User

1. Employees shall inspect and test their PVR and all associated equipment at the beginning of their shift.
2. Employees shall ensure that the PVR lens and microphone are clear of debris that may obstruct or in any way degrade images or audio.
3. Employees shall ensure their PVR battery is fully charged at the start of their assignment.
4. Any damage, malfunction or other operational problem shall be reported to the employee's supervisor and the PVR System Administrator.

B. Supervisor

1. When notified that a PVR is damaged or malfunctioning, the supervisor shall inspect the device and decide whether to continue using the PVR or return it for repair or replacement. Supervisors must consider the extent of damage and the availability of spare or replacement devices.
2. PVR devices shall be inspected during semi-annual Line Inspections.

C. PVR System Administrator shall evaluate all devices turned in due to damage or malfunction.

1. The PVR System Administrator shall make any repairs they are qualified to perform.
2. Any device which cannot be repaired by the PVR System Administrator shall be sent for repair or disposed of appropriately.

III. Training [41.3.8f]

- A. Employees shall receive hands-on training by the Training Unit prior to being issued a PVR. Initial training shall include at a minimum:

1. Thorough review of this SOP and relevant state and federal laws governing consent, evidence, privacy, and public disclosure;
 2. Hardware operation, charging, docking, malfunctions, lost or damaged equipment;
 3. Categorization, data transfer procedures, data access, security, retention guidelines, reporting improper recordings, and preparing and presenting digital evidence for court; and
 4. Hands-on exercises that replicate operating the PVR.
- B. Training shall be given to the following employees:
1. All personnel issued a PVR;
 2. Supervisors of officers who wear PVRs;
 3. Command Staff;
 4. Records Management Unit;
 5. Property and Evidence Unit;
 6. Training Unit;
 7. Internal Affairs Unit; and
 8. PVR System Administrator.
- C. Annual refresher training shall be provided by the Training Unit.
- D. The PVR System Administrator shall ensure that all PVR training meets current manufacturer guidelines and specifications.

IV. Data Retention Guidelines and Public Records Requests [41.3.8c,d,g]

- A. All digital recordings collected using the PVR system are official records and are the exclusive property of the Miami Beach Police Department. The Department will retain any video captured by Department issued PVRs for 90 days, except as set forth below:
1. Recorded data associated with an arrest, use of force, pursuit, criminal investigation, Internal Affairs investigation and/or complaint against an employee shall be retained pursuant to the General Records Retention Schedules established by the Florida Department of State and instructions from the City Attorney or his/her designee.
 2. Vehicle crashes involving an employee and events involving injury to an employee and/or citizen, or any recording of an event or public interaction the officer or his/her supervisor reasonably believe could lead to litigation against the officer or the City of Miami Beach shall be retained for five (5) years.
 3. Police interaction or delivery of police services that may be perceived as controversial shall be reviewed by the employee's Captain. The Captain shall set the appropriate category for retention in conjunction with the City Attorney or his/her designee.
- B. The Department will invoke appropriate exemptions set forth in Florida Statutes, Chapter 119, or any other statutory provision limiting or restricting access to video recordings or metadata in cases involving officer-involved shootings, serious use of force, officer misconduct, or any other circumstances as determined by the Chief of Police or designee.
1. This section shall not be read to obstruct or interfere with an employee's rights as provided by Florida Statutes or Department Policy.
- C. All PVR recordings shall be uploaded to the contracted storage service provider's system. The Department reserves the option to utilize alternative storage methods on a case-by-case basis at the discretion of the Chief of Police or designee.
- D. Release of PVR recordings shall be governed by Chapter 119 of the Florida Statutes or other Florida or Federal law.

- E. The PVR System Administrator shall redact exempt or confidential footage pursuant to the applicable state or federal statute prior to releasing any recording(s).

V. Discipline

- A. Employees who fail to comply with this SOP may be subject to progressive disciplinary action up to and including termination.

DEFINITIONS:

CALL FOR SERVICE – Any dispatched or self-initiated activity by any employee to resolve, correct or assist a particular situation.

CITIZEN INTERACTION – Any call for service, consensual encounter, investigatory stop, traffic stop, arrest, pursuit, use of force, search, interview, or any other form of contact with, or observation of, a member of the public or person under investigation or detention.

FOOTAGE – Refers to all sounds, images, and associated metadata.

ISSUED PVR – Collectively means an issued or replacement PVR authorized and configured by the PVR System Administrator.

DO/LH/WRG/JB/JE/DM/JAB/PS/EMG

F:\POLITECHSERV\SUSOP\SOP\SOP 152 Portable Video Recorders\Final2.docx

APPROVED BY:



Daniel J. Oates
Chief of Police

References to Forms: None